

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

MELVIN RAY BRUMMETT, JR.,

Plaintiff,

v.

D. LOPEZ,

Defendant.

Case No. 1:20-cv-00194-SKO (PC)

**ORDER DIRECTING THE CLERK OF  
THE COURT TO CLOSE CASE**

On May 4, 2020, the Court ordered Plaintiff to show cause why this action should not be dismissed without prejudice for failure to exhaust administrative remedies. (Doc. 10.) The Court informed Plaintiff that, in the alternative, he may file a notice of voluntary dismissal. (*Id.*)

On May 13, 2020, Plaintiff filed a motion for voluntary dismissal without prejudice. (Doc. 11.) The Court construes Plaintiff's filing as a notice of dismissal pursuant to Federal Rule of Civil Procedure 41(a)(1), which provides that a "plaintiff may dismiss an action without a court order by filing ... a notice of dismissal before the opposing party serves either an answer or a motion for summary judgment." Fed. R. Civ. P. 41(a)(1)(A)(i). Once a dismissal under Rule 41(a)(1) is properly filed, no order of the court is necessary to effectuate dismissal; the dismissal is effective automatically. *Commercial Space Mgmt. Co. v. Boeing Co.*, 193 F.3d 1074, 1078 (9th Cir. 1999).

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1 Because Plaintiff has filed a notice of dismissal, and no opposing party has appeared in  
2 this case, this action has terminated. Accordingly, the Court DIRECTS the Clerk of the Court to  
3 close this case.

4  
5 IT IS SO ORDERED.

6 Dated: May 14, 2020

/s/ Sheila K. Overt  
UNITED STATES MAGISTRATE JUDGE